

AMENDED IN ASSEMBLY MAY 6, 1999  
AMENDED IN ASSEMBLY MARCH 18, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

## ASSEMBLY BILL

**No. 46**

**Introduced by Assembly Member Olberg**

December 7, 1998

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An act to ~~add Section 47612.5 to~~ amend Section 47602 of the Education Code, relating to charter schools.

### LEGISLATIVE COUNSEL'S DIGEST

AB 46, as amended, Olberg. Charter schools.

*Existing law, the Charter Schools Act of 1992, establishes the maximum number of charter schools that may operate in California. Under existing law, in the 1998–99 school year, the maximum total number of charter schools authorized to operate is 250, and in the 1999–2000 school year, and in each successive school year thereafter, an additional 100 charter schools are authorized to operate. Under existing law, the Legislative Analyst is required to report to the Legislature by July 1, 2003, on the effectiveness of the approach of limiting the number of charter schools and recommend whether to expand or reduce the annual rate of growth of charter schools.*

*This bill would repeal the limitation on the number of charter schools operating in the state. By removing this limitation, this bill would require the governing boards of school districts to review additional charter school petitions, thereby imposing a state-mandated local program.*

*This bill would also repeal the requirement that the Legislative Analyst report to the Legislature concerning the effectiveness of the approach of limiting the number of charter schools and recommending whether to expand or reduce the annual rate of growth of charter schools.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~Existing law, the Charter Schools Act of 1992, establishes the maximum number of charter schools that may operate in California.~~

~~Existing law requires the Superintendent of Public Instruction to make certain apportionments to each charter school for each fiscal year, including, but not limited to, an amount for each unit of regular average daily attendance from funds appropriated to Section A of the State School Fund that is equal to the current fiscal year base revenue limit for the school district to which the charter petition was submitted. Existing law provides for a school year of 175 days.~~

~~This bill would provide that, although a charter school may elect to conduct an educational program that provides for pupil instructional days in excess of the 175-day school year, a charter school is not entitled to receive any additional support from the State School Fund based upon any additional average daily attendance at the charter school than it would have received under the law relating to the 175-day school year.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.



*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 47602 of the Education Code is*  
2     *amended to read:*

3     ~~47602. (a) (1) In the 1998-99 school year, the~~  
4     ~~maximum total number of charter schools authorized to~~  
5     ~~operate in this state shall be 250. In the 1999-2000 school~~  
6     ~~year, and in each successive school year thereafter, an~~  
7     ~~additional 100 charter schools are authorized to operate~~  
8     ~~in this state each successive school year. For the purposes~~  
9     ~~of implementing this section, the State Board of~~  
10    ~~Education shall assign a number to each charter petition~~  
11   ~~that it grants pursuant to subdivision (j) of Section 47605~~  
12   ~~and to each charter notice it receives pursuant to~~  
13   ~~subdivision (i) and paragraph (5) of subdivision (j) of~~  
14   ~~Section 47605, based on the chronological order in which~~  
15   ~~the notice is received. The limits contained in this~~  
16   ~~paragraph may not be waived pursuant to Section 33050~~  
17   ~~or any other provision of law.~~

18    ~~(2) By July 1, 2003, the Legislative Analyst shall,~~  
19   ~~pursuant to the criteria in Section 47616.5, report to the~~  
20   ~~Legislature on the effectiveness of the charter school~~  
21   ~~approach authorized under this part and recommend~~  
22   ~~whether to expand or reduce the annual rate of growth~~  
23   ~~of charter schools authorized pursuant to this section.~~

24    ~~(b) No charter shall be granted under this part. Under~~  
25   ~~this part, a charter may not be granted that authorizes the~~  
26   ~~conversion of any a private school to a charter school. No~~  
27   ~~A charter school shall may not receive any public funds~~  
28   ~~for a pupil if the pupil also attends a private school that~~  
29   ~~charges the pupil's family for tuition. The State Board of~~  
30   ~~Education shall adopt regulations to implement this~~  
31   ~~section.~~

32    *SEC. 2. Notwithstanding Section 17610 of the*  
33    *Government Code, if the Commission on State Mandates*  
34    *determines that this act contains costs mandated by the*  
35    *state, reimbursement to local agencies and school*  
36    *districts for those costs shall be made pursuant to Part 7*  
37    *(commencing with Section 17500) of Division 4 of Title*  
38    *2 of the Government Code. If the statewide cost of the*

1 *claim for reimbursement does not exceed one million*  
2 *dollars (\$1,000,000), reimbursement shall be made from*  
3 *the State Mandates Claims Fund.*

4 ~~SECTION 1. Section 47612.5 is added to the~~  
5 ~~Education Code, to read:~~

6 ~~47612.5. Although a charter school may elect to~~  
7 ~~conduct an educational program that provides for pupil~~  
8 ~~instructional days in excess of the 175-day school year, the~~  
9 ~~charter school shall not be entitled to receive any~~  
10 ~~additional support from the State School Fund based~~  
11 ~~upon any additional average daily attendance at the~~  
12 ~~charter school than it would have received under the law~~  
13 ~~relating to the 175-day school year.~~

